

(a) To engage in a trade, business, or other commercial activity on Midway Islands without first obtaining written permission from the Officer-in-Charge, U.S. Naval Air Facility, Midway Island;

(b) To smoke or ignite any fire in any designated and posted "No Smoking" area, or in the immediate proximity of any aircraft, fueling pit, or ordnance or pyrotechnic storage areas;

(c) Knowingly to report or cause to be reported to the Security Department, Fire Department, or any official thereof, or to any other public official, or willfully to activate, or cause to be activated, any alarm, that an emergency exists, knowing that such report or alarm is false. "Emergency," as used herein, includes any condition which results, or could result, in the response of a public official in an emergency vehicle, or any condition which jeopardizes, or could jeopardize, public lives or safety, or results or could result in the evacuation of an area, building, structure, vehicle, aircraft, or boat or other vessel, or any other place by its occupants; or

(d) Intentionally to report to any shore patrolman, security patrolman, fireman, officer of the day, junior officer of the day, or other public official authorized to issue a warrant of arrest or make an arrest, that a crime has been committed, or make any oral or written statement to any of the above officials concerning a crime or alleged crime or other matter, knowing such report or statement to be false.

[41 FR 29672, July 19, 1976, as amended at 51 FR 22283, June 19, 1986]

#### **§ 762.35 Attempt.**

(a) A person is guilty of attempt to commit a crime if he commits an act, done with the specific intent to commit an offense, amounting to more than mere preparation and tending, even though failing, to effect its commission.

(b) It shall be unlawful for any person, while on the Midway Islands to attempt to violate any section of subpart C, including all offenses adopted from title 37, "Hawaii Revised Statutes," as they now appear or as they may be amended or recodified. Any person convicted of an attempt to commit an of-

fense shall be subject to the same appropriate penalties authorized under §§ 762.40 through 762.49 for the commission of the offense attempted, except that attempts of all offenses adopted under § 762.16, except those which are subject, under title 37, "Hawaii Revised Statutes," as it now appears or as it may be amended or recodified, to a penalty of imprisonment of six months or less or a fine of not more than \$500, shall be punished as directed by appropriate sections of title 37, "Hawaii Revised Statutes," as they now appear or as they may be amended or recodified.

#### **§ 762.40 Penalties for petty offenses.**

Whoever is found guilty of a violation of any petty offense under this subpart, other than § 762.28 (b) through (h), is subject to a fine of not more than \$500 or imprisonment for not more than six months, or both.

#### **§ 762.42 Penalties for motor vehicle violations.**

Whoever is found guilty of a violation of any one of § 762.28 (b) through (h), is subject to a fine of not more than \$100, imprisonment of not more than 30 days, or suspension or revocation of his privilege to drive a motor vehicle aboard U.S. Naval Air Facility, Midway Island, or any combination of, or all of, these punishments.

#### **§ 762.44 Contempt.**

Judges of the Midway Islands Court may, in any criminal case or proceeding, punish any person for disobedience of any order of the court, or for any contempt committed in the presence of the court, by a fine of not more than \$100, or imprisonment of not more than 30 days, or both.

### **Subpart D—Midway Islands Court; Rules of Criminal Procedure**

#### **§ 762.50 Establishment; members; sessions.**

(a) There is created a "Midway Islands Court" which is vested with the judicial authority provided in this part 762. The court shall consist of such Navy judge advocates as are designated by the Officer-in-Charge, U.S. Naval Air Facility, Midway Island, or such other command as may be designated